

SHB 1782 - H AMD TO H AMD (H-2689.4/22) **1066**

By Representative Klippert

1 On page 20, after line 7 of the striking amendment, insert the
2 following:

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4 "Sec. 4. RCW 36.70A.110 and 2017 c 305 s 1 are each amended to
5 read as follows:

6 (1) Each county that is required or chooses to plan under RCW
7 36.70A.040 shall designate an urban growth area or areas within
8 which urban growth shall be encouraged and outside of which growth
9 can occur only if it is not urban in nature. Each city that is
10 located in such a county shall be included within an urban growth
11 area. An urban growth area may include more than a single city. An
12 urban growth area may include territory that is located outside of a
13 city only if such territory already is characterized by urban growth
14 whether or not the urban growth area includes a city, or is adjacent
15 to territory already characterized by urban growth, or is a
16 designated new fully contained community as defined by RCW 36.70A.350.

17 (2) Based upon the growth management population projection made
18 for the county by the office of financial management, the county and
19 each city within the county shall include areas and densities
20 sufficient to permit the urban growth that is projected to occur in
21 the county or city for the succeeding twenty-year period, except for
22 those urban growth areas contained totally within a national
23 historical reserve. As part of this planning process, each city
24 within the county must include areas sufficient to accommodate the
25 broad range of needs and uses that will accompany the projected
26 urban growth including, as appropriate, medical, governmental,

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1 institutional, commercial, service, retail, and other nonresidential
2 uses.

3 Each urban growth area shall permit urban densities and shall
4 include greenbelt and open space areas. In the case of urban growth
5 areas contained totally within a national historical reserve, the
6 city may restrict densities, intensities, and forms of urban growth
7 as determined to be necessary and appropriate to protect the
8 physical, cultural, or historic integrity of the reserve. An urban
9 growth area determination may include a reasonable land market
10 supply factor and shall permit a range of urban densities and uses.
11 In determining this market factor, cities and counties may consider
12 local circumstances. Cities and counties have discretion in their
13 comprehensive plans to make many choices about accommodating growth.

14 Within one year of July 1, 1990, each county that as of June 1,
15 1991, was required or chose to plan under RCW 36.70A.040, shall
16 begin consulting with each city located within its boundaries and
17 each city shall propose the location of an urban growth area. Within
18 sixty days of the date the county legislative authority of a county
19 adopts its resolution of intention or of certification by the office
20 of financial management, all other counties that are required or
21 choose to plan under RCW 36.70A.040 shall begin this consultation
22 with each city located within its boundaries. The county shall
23 attempt to reach agreement with each city on the location of an
24 urban growth area within which the city is located. If such an
25 agreement is not reached with each city located within the urban
26 growth area, the county shall justify in writing why it so
27 designated the area an urban growth area. A city may object formally
28 with the department over the designation of the urban growth area
29 within which it is located. Where appropriate, the department shall
30 attempt to resolve the conflicts, including the use of mediation
31 services.

32 (3) Urban growth should be located first in areas already
33 characterized by urban growth that have adequate existing public
34 facility and service capacities to serve such development, second in

1 areas already characterized by urban growth that will be served
2 adequately by a combination of both existing public facilities and
3 services and any additional needed public facilities and services
4 that are provided by either public or private sources, and third in
5 the remaining portions of the urban growth areas. Urban growth may
6 also be located in designated new fully contained communities as
7 defined by RCW 36.70A.350.

8 (4) In general, cities are the units of local government most
9 appropriate to provide urban governmental services. In general, it
10 is not appropriate that urban governmental services be extended to
11 or expanded in rural areas except in those limited circumstances
12 shown to be necessary to protect basic public health and safety and
13 the environment and when such services are financially supportable
14 at rural densities and do not permit urban development.

15 (5) On or before October 1, 1993, each county that was initially
16 required to plan under RCW 36.70A.040(1) shall adopt development
17 regulations designating interim urban growth areas under this
18 chapter. Within three years and three months of the date the county
19 legislative authority of a county adopts its resolution of intention
20 or of certification by the office of financial management, all other
21 counties that are required or choose to plan under RCW 36.70A.040
22 shall adopt development regulations designating interim urban growth
23 areas under this chapter. Adoption of the interim urban growth areas
24 may only occur after public notice; public hearing; and compliance
25 with the state environmental policy act, chapter 43.21C RCW, and
26 under this section. Such action may be appealed to the growth
27 management hearings board under RCW 36.70A.280. Final urban growth
28 areas shall be adopted at the time of comprehensive plan adoption
29 under this chapter.

30 (6) Each county shall include designations of urban growth areas
31 in its comprehensive plan.

32 (7) An urban growth area designated in accordance with this
33 section may include within its boundaries urban service areas or
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1 potential annexation areas designated for specific cities or towns
2 within the county.

3 (8)(a) Except as provided in (b) of this subsection, the
4 expansion of an urban growth area is prohibited into the one hundred
5 year floodplain of any river or river segment that: (i) Is located
6 west of the crest of the Cascade mountains; and (ii) has a mean
7 annual flow of one thousand or more cubic feet per second as
8 determined by the department of ecology.

9 (b) Subsection (8)(a) of this section does not apply to:

10 (i) Urban growth areas that are fully contained within a
11 floodplain and lack adjacent buildable areas outside the floodplain;

12 (ii) Urban growth areas where expansions are precluded outside
13 floodplains because:

14 (A) Urban governmental services cannot be physically provided to
15 serve areas outside the floodplain; or

16 (B) Expansions outside the floodplain would require a river or
17 estuary crossing to access the expansion; or

18 (iii) Urban growth area expansions where:

19 (A) Public facilities already exist within the floodplain and
20 the expansion of an existing public facility is only possible on the
21 land to be included in the urban growth area and located within the
22 floodplain; or

23 (B) Urban development already exists within a floodplain as of
24 July 26, 2009, and is adjacent to, but outside of, the urban growth
25 area, and the expansion of the urban growth area is necessary to
26 include such urban development within the urban growth area; or

27 (C) The land is owned by a jurisdiction planning under this
28 chapter or the rights to the development of the land have been
29 permanently extinguished, and the following criteria are met:

30 (I) The permissible use of the land is limited to one of the
31 following: Outdoor recreation; environmentally beneficial projects,
32 including but not limited to habitat enhancement or environmental
33 restoration; stormwater facilities; flood control facilities; or
34 underground conveyances; and

1 (II) The development and use of such facilities or projects will
2 not decrease flood storage, increase stormwater runoff, discharge
3 pollutants to fresh or salt waters during normal operations or
4 floods, or increase hazards to people and property.

5 (c) For the purposes of this subsection (8), "one hundred year
6 floodplain" means the same as "special flood hazard area" as set
7 forth in WAC 173-158-040 as it exists on July 26, 2009.

8 (9) If a county, city, or utility has adopted a capital facility
9 plan or utilities element to provide sewer service within the urban
10 growth areas during the twenty-year planning period, nothing in this
11 chapter obligates counties, cities, or utilities to install sanitary
12 sewer systems to properties within urban growth areas designated
13 under subsection (2) of this section by the end of the twenty-year
14 planning period when those properties:

15 (a)(i) Have existing, functioning, nonpolluting on-site sewage
16 systems;

17 (ii) Have a periodic inspection program by a public agency to
18 verify the on-site sewage systems function properly and do not
19 pollute surface or groundwater; and

20 (iii) Have no redevelopment capacity; or

21 (b) Do not require sewer service because development densities
22 are limited due to wetlands, flood plains, fish and wildlife
23 habitats, or geological hazards.

24 (10)(a) Beginning July 1, 2022, any city or county that is
25 suffering from a shortage of middle housing may by ordinance expand
26 the urban growth boundaries to include property suitable for
27 development of middle housing. If the average home price is more
28 than \$400,000 for more than six months in a twelve-month period, a
29 jurisdiction is presumed to have a shortage of middle housing and
30 must make adjustments to its urban growth boundaries to expand the
31 amount of land to build new homes.

32 (b) A city or county that adopts an ordinance in accordance with
33 this subsection (4) modifying urban growth boundaries shall revise
34 its comprehensive plan to incorporate the changes no later than the

1 next review of the comprehensive plan as required in RCW 36.70A.
2 130(5).

3 (c) The provisions of this subsection are to be liberally
4 construed to effectuate the purpose of providing increased, safe,
5 healthy, secure, and affordable housing for people."

6
7 Renumber the remaining sections consecutively and correct any
8 internal references accordingly.

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EFFECT:

- Allows a city or county that is suffering from a shortage of middle housing to expand urban growth area boundaries by ordinance to include property for suitable for development of middle housing beginning July 1, 2022.
- Provides that a jurisdiction is presumed to have a shortage of middle housing if the average home price is more than \$400,000 for more than six months in a twelve-month period and requires such jurisdictions to adjust urban growth area boundaries to expand the amount of land for building new homes.
- Requires a city or county that adopts an ordinance to expand its urban growth area boundary to revise its comprehensive plan in accordance with Growth Management Act requirements.

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